

NEBRASKA STATE PLAN FOR THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) PROGRAM

October 2010

PURPOSE

Section 402 of the Social Security Act as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law 104-193, requires that a State plan be submitted to the Secretary of Health and Human Services. Nebraska is submitting this State plan to renew its status as an eligible state in order to continue to qualify to receive funding and administer the Temporary Assistance for Needy Families (TANF) program.

ADMINISTRATION

The Nebraska Department of Health and Human Services (DHHS) has responsibility for administering the TANF program.

GOALS

Employment First is the name of Nebraska's welfare reform program. The primary purpose of *Employment First* is to provide temporary, transitional support for Nebraska families so that economic self-sufficiency is attained in as expeditious a manner as possible through the provision of training, education, and employment preparation. Nebraska is dedicated to improving the standard of living and quality of life for each family living in the State that has had to turn to public assistance to help support their family in times of need. We will accomplish this by promoting personal responsibility and empowering parents to support their families.

POPULATION SERVED

Nebraska will continue to serve families who are Nebraska residents and:

- Are composed of either one or two parents; or
- Specified relatives, conservator, or guardian; and
- Who are expecting their first child to be born within the next 90 days; or
- Who care for children under the age of 18; or
- Up to age 19 if still in secondary school or equivalent level of vocational or technical school, or participating in *Employment First* after dropping out of school; and
- Whose family's income and resources meet the current means test.

Nebraska will continue to serve families moving to Nebraska under the same program regulations as are applied to other Nebraska families.

Nebraska will continue to serve qualified aliens as defined in section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), as amended, under the same program regulations as are applied to other Nebraska families. Funding for assistance provided to qualified aliens who enter the country on or after August 22, 1996, and who are not eligible to receive Federal benefits because of the time limitations, will be from state only sources for the first five years

OUT OF WEDLOCK BIRTHS

Nebraska 2010 Health Goals and Objectives

Refer to Attachment A for the MidCourse Review of Nebraska 2010 Health Goals and Objectives for Family Planning.

Nebraska Reproductive Health

Nebraska Reproductive Health is a Federal Grantee administering the statewide Title X Family Planning Program. Title X delegate clinics provide reproductive health education and comprehensive medical services that are an integral part of prevention and good health.

Nebraska Reproductive Health:

- Promotes responsible behavior, the well-being of families and healthy babies.
- Reduces mother and infant death, unintended pregnancies, child abuse and sexually transmitted diseases.
- Allows timing of pregnancies when couples are in the best position to care for new children.

Eleven delegate clinics provide services to people, both female and male, regardless of income, marital status, age, national origin, or residence.

Services at delegate sites are confidential and provided in a setting that preserves and protects the privacy and rights of each person.

Medical services include:

- Physical exams
- Cervical cancer screening
- Breast cancer screening
- STD testing and treatment
- High blood pressure screening
- Anemia screening
- Pregnancy testing
- Contraceptive methods
- Referrals and links to community resources

Education services include:

- Reproductive and preventative health
- Self-breast and testicular exams
- Contraceptive methods
- STD/HIV risks
- Infertility information

Abstinence Education

Funding to states for the Title V State Abstinence Education Grant Program expired June 30, 2009 but has now been reinstated as a result of the Patient Protection and Affordable Care Act of 2010, P.L. 111-148. How Nebraska responds to the just released funding announcement has not been determined at this time. It is expected that Nebraska will use the funding to support community-based Abstinence Education projects statewide as defined by Section 510(b)(2) of the Social Security Act.

Positive Alternatives Project

A pilot program that began as a grant in 2005 has continued with service contracts executed for two-year periods. The current contractor, in place as of May 1, 2010, is Nebraska Children's Home Society. Their program, Positive Alternatives, provides a statewide network of prevention and direct services. The contractual program is funded by DHHS using Federal TANF funds. The services provided by the Program meet the third and fourth statutory purposes of TANF as specified at §260.20(c) and (d) of this chapter.

Positive Alternatives provides information on assistance that is available statewide for those who are pregnant, or who believe they are and are not sure what to do. Positive Alternatives can help men whose girlfriends or wives are pregnant to understand what to expect next and how to be of help with the birth and raising of their child. The program works with many organizations across the state to provide education and services such as: professional counseling, abstinence education, natural family planning, birth control risk education, pregnancy tests and counseling, mentoring, childbirth education, ultrasounds, prenatal care (up through birth), STD testing and education, adoption information and education, support groups, parenting education and services, newborn care education, and fathers' program.

State Rape Education Program

The Nebraska Law Enforcement Training Center, the Nebraska State Patrol, and the Omaha Police Department are the three entities responsible for providing training to Nebraska's law enforcement officials on the problem of statutory rape. In addition, DHHS contracts with the Nebraska Domestic Violence Sexual Assault Coalition to provide training and technical assistance to local rape crisis centers as well as local police departments upon request regarding statutory rape.

Nebraska Revised Statutes 28-317 to 321, Crimes and Punishments, does not distinguish between genders. The State Rape Education Program serves all genders equally without distinction. The educational services provided are the same for both genders statewide.

CONFIDENTIALITY

All information regarding individuals and families will remain confidential and available only for the purposes of the effective administration of the program and to other federal or state agencies as appropriate. All employees are trained in the need to maintain the confidentiality of information.

All DHHS staff must complete HIPAA and SSA confidentiality training and all contractors must agree to and sign HIPAA Business Associates Agreements and SSA Access Agreements.

Access to DHHS' computer system N-FOCUS is defined by a security role that is attached to a person's ID, and access to information is defined and limited by job responsibilities. A personal logon ID cannot be issued until the individual completes a state developed orientation course. The orientation includes a review of data privacy and ethics as they pertain to client information.

All DHHS staff, contractors, temporary workers, and business partners are aware of the Information Technology (IT) Policies, Procedures, and Safeguards implemented by DHHS and understand their roles and responsibilities in insuring DHHS IT resources are secure and protected.

There are two sections to the Security Awareness Training. The first section "Information Technology Computer User Security Awareness" must be completed by any individual who uses a DHSS computer. The second section "IRS Federal Tax Information Appropriate Use and Disclosure" must be completed by every DHHS staff person that accesses IRS Federal Tax Information in the N-FOCUS data system. IRS Federal Tax Information is limited to the caseworker that the case is assigned to and their supervisor.

TWO-PARENT FAMILIES

Nebraska's TANF cash assistance program encourages the formation and maintenance of two-parent families by the elimination of specific requirements, such as the 100 hour rule and qualifying work history, which restricted eligibility of the second parent in the home. In addition, stepparents are included as eligible members of the assistance unit, just as natural and adoptive parents are included in the unit.

ELIGIBILITY FOR TANF

Nebraska's TANF cash assistance program is called Aid to Dependent Children (ADC). Eligibility is limited to needy families with dependent children or parent(s) with an unborn child in the final trimester. A needy family is defined as a family consisting of children who are living in the home of a relative, guardian, or conservator, unless removed from that home by judicial determination and whose income and resources are below the standards which are applied on a statewide basis.

Usually the child shares the same household with the parent, relative, guardian or conservator. However, a home is considered to exist as long as the parent or relative exercise responsibility for the care and control of the child, even though circumstances may require the temporary absence of either from the customary family setting. Allowable absences include:

1. A child receiving medical care or education which requires the child to live away from the home.
2. A child out of the home for a visit not to exceed three months.

3. Emergency situations that deprive the child of a parent, relative, guardian, or conservator's care (may not continue beyond three months except in case of extended hospitalization).

If the child is living with a relative, the relative must be a father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, second cousin, nephew, or niece. These relatives may be half blood, related by adoption, or from a preceding generation. A child may also live with the spouse of any persons previously named even after death or divorce has terminated the marriage. The child may also live with a court appointed guardian or conservator.

The needs of the parent(s), needy caretaker relative, guardian or conservator may be included in the ADC financial payment. To be eligible they shall:

1. Assign support rights to DHHS;
2. Cooperate with the Child Support Enforcement Unit;
3. Live with the child in a place of residence they maintain;
4. Be in need, as determined by assistance requirements and standards;
5. Cooperate in developing and completing a Self-Sufficiency Contract;
6. Not be eligible for the Aid to the Aged, Blind and Disabled (AABD) medical assistance program.

If there is more than one child in the household of a non-relative, all children for whom assistance is requested must be included in a single grant unit and budgeted accordingly. Deprivation of parental support or care is not an eligibility requirement. Unmarried parents living together as a family shall be considered a family unit when paternity for the child(ren) has been acknowledged or established. When unmarried parents are living as a family and one parent is ineligible, the ineligible parent and his/her child(ren) are not included in the ADC unit. If otherwise financially eligible, the other parent and his/her children may continue to receive ADC cash assistance.

Eligibility for ADC cash assistance must be redetermined every twelve months. A family will be eligible for financial assistance and services if:

1. The family's countable income is under the standards in effect on July 1, 2009, adjusted biennially using the Consumer Price Index (CPI) for the previous two years; and
2. Countable resources do not exceed \$4,000 for a single individual and \$6,000 for two or more.

Any person convicted in federal or state court of having fraudulently misrepresented his/her residence in order to obtain assistance in two or more states is ineligible for ADC cash assistance for 10 years from the date of conviction.

An individual is ineligible for ADC cash assistance during any period in which the individual is:

1. Fleeing to avoid prosecution or custody or confinement after conviction for a crime or attempt to commit a crime that is a felony under the law of the place from which the individual is fleeing; or
2. Violating a condition of federal or state probation or parole.

An individual who commits any offense after August 22, 1996, which is classified as a felony and which has as an element the possession, use, or distribution of a controlled substance and is convicted under federal or state law after August 22, 1996, is permanently ineligible to be included in the ADC cash assistance unit.

As a condition of eligibility for ADC cash assistance, a client determined to be a work-eligible individual and subject to *Employment First* participation must complete his/her *Employment First* Self-Sufficiency Contract before the family can be determined eligible to receive ADC cash assistance. If a client does not cooperate in developing and completing an *Employment First* Self-Sufficiency Contract, the family is ineligible for ADC cash assistance. Medicaid eligibility for all family members, parents as well as children, must be determined.

BENEFITS

The maximum amount of ADC cash assistance provided will be \$222 for the first person and \$71 for each additional person included in the unit. The amount of the ADC cash payment to the household is determined by completing the following steps:

1. Total gross countable earned income;
2. Subtract 20 percent of earned income;
3. Subtract child care paid out-of-pocket;
4. Subtract the remaining earned income from the appropriate Standard of Need; (\$485 for the first person and \$113 for each additional person)
5. Compare the result of step 4 to the appropriate payment standard;
6. Show the lower of the payment standard or the difference from step 4;
7. Subtract unearned income from the amount shown in step 6;
8. The result of step 7 is the amount of the grant.

ADC cash assistance is time limited for families that include an adult or minor parent who meets the federal definition of a work-eligible individual.

Families subject to the time limit may receive an ADC cash payment for which they are eligible for a total of 60 months in a lifetime. The 60-month lifetime limit begins with the first month the family is determined to be eligible for and receives ADC cash assistance.

Medicaid coverage will be available to all family members receiving ADC cash assistance, or to families meeting the financial requirements to receive ADC cash assistance even if they choose not to receive an ADC payment.

Child care assistance is available at no cost to families receiving ADC cash assistance or whose gross earned and unearned income is at or below 100 percent of the Federal Poverty Level. Families whose incomes are above the current income standard for the full child care subsidy may be eligible for a partial child care subsidy if their gross earned and unearned income is at or below 120 percent of the Federal Poverty Level. Eligible families cannot be required to pay more than 20 percent of their gross income towards the cost of child care. Families must also show a need for receiving a child care subsidy, such as, but not limited to, job search, employment, education, training, incapacitated parent, and need to obtain medical care.

TRANSITIONAL BENEFITS

An ADC case may receive up to five transitional cash payments, each payment being equal to one fifth of the ADC Payment Standard for the family's size at the time the family becomes ineligible for an ADC cash payment if:

1. The unit lost eligibility for an ADC cash payment because of increased earnings or increased hours of employment of the parent or needy caretaker relative or guardian or conservator.
2. The unit meets the requirements to qualify for Transitional Medical Assistance.
3. The unit must have lost eligibility for an ADC cash payment in the month immediately preceding the first month of eligibility for the transitional cash payment.
4. In order to continue to receive transitional cash payments for the full five-month period, the family must meet the following requirements:
 - a. The family's earned income cannot exceed 185 percent of the Federal Poverty Level for the family's size;
 - b. The parent or needy caretaker relative or guardian or conservator must be employed;
 - c. The family continues to reside in the State of Nebraska;
 - d. The family must continue to include a dependent child; and
 - e. The family must remain ineligible to receive an ADC cash payment.

Transitional cash payments will be funded with state dollars only. The state general funds used for transitional cash payments will apply towards Nebraska's Maintenance-of-Effort requirement. This additional cash benefit was created effective October 1, 2007.

An ADC case may receive up to 12 months of transitional Medicaid if:

1. The unit has earned income which results in ineligibility for an ADC cash payment (or in conjunction with other factors results in ineligibility for an ADC cash payment);
2. The unit received or was financially eligible to receive an ADC cash payment in three of the last six months preceding ineligibility; and
3. The parent or needy caretaker relative or guardian or conservator is employed.

Transitional child care assistance must be provided for up to 24 consecutive months if:

1. The family loses eligibility for ADC cash assistance as a result of increased earnings or increased hours of employment;
2. The family received an ADC cash payment (or did not receive a payment but met income and resource eligibility to receive a payment) for which they were eligible in three of the last six months preceding ineligibility;
3. The family provides the financial information necessary to determine eligibility and the amount of the fee;
4. The child care is necessary to allow the parent to accept or retain employment;
5. The adult or minor parent has complied with Child Support Enforcement requirements;
6. The family's gross earned and unearned income is equal to or less than 185 percent of the Federal Poverty Level; and
7. The family continues to meet the resource limit.

APPEALS/MEDIATION

Every applicant for or recipient of assistance or services provided through DHHS has the right to appeal to the Director of DHHS for a fair hearing on any action or inaction with regard to the assistance or services. The request for a fair hearing must be filed in writing within 90 days following the date the notice of adverse action is mailed. If an applicant wishes to appeal due to inaction, s/he must request a fair hearing within 90 days of the date the application was signed. Requests for a fair hearing filed within ten days following the date the notice of adverse action is mailed will stay the adverse action until a fair hearing decision is rendered.

Employment First participants have the right to independent mediation if the participant is unhappy with a case manager's action or inaction; or when DHHS has determined that the participant has not complied with the terms of the Self-Sufficiency Contract; or the participant contends that DHHS has not fulfilled its terms of the Self-Sufficiency Contract. The request for mediation must be requested within 90 days following the date the notice of adverse action is mailed. Requests for mediation requested within ten days following the date the notice of adverse action is mailed will stay the adverse action until a decision is reached through mediation. If the individual is unhappy with a case manager's action or inaction, the individual has 30 days from the date of the case manager's action or inaction or the date the individual became aware of the case manager's action or inaction to request mediation.

EMPLOYMENT FIRST PARTICIPATION

Nebraska has adopted the federal definition of work-eligible individuals. All individuals who are defined as a work-eligible individual are required to participate in the *Employment First* program.

Once a family applies for ADC cash assistance, all work-eligible individuals, unless they otherwise qualify for an exemption from *Employment First*, are referred to the *Employment First* program at the time of the intake interview. The work-eligible individual is required to complete an *Employment First* Self-Sufficiency Contract within five days of the referral and immediately engage in approved work activities.

Dependent children age 15 or younger (including an emancipated minor) and dependent children age 16, 17, or 18 who are full-time students regularly attending an elementary or secondary school, or the equivalent level of vocational or technical school, or a dependent child age 16 or 17 who is a full-time student and regularly attending college, are not required to participate in the *Employment First* program.

ORIENTATION/ASSESSMENT/SELF-SUFFICIENCY CONTRACT

The orientation is done as an introduction to the *Employment First* program and the comprehensive assets assessment. The orientation highlights the responsibilities that the client will be expected to fulfill if s/he becomes eligible for ADC cash assistance. The orientation also provides the participant with detailed information on all *Employment First* requirements, program expectations, participation options, services, and time limits. An assessment will be completed with each participant. The purpose of the assessment is to gather and organize information about the participant's skills, aptitudes, strengths, interests, goals, prior work experience, family circumstances and employability. The assessment is an ongoing process. Reassessment occurs when a participant's circumstances change, when s/he is not able to continue forward movement in the activities included in his/her Self-Sufficiency Contract, or at any time the case manager and/or the participant determines it is necessary.

Based on the results of the assessment, an individualized Self-Sufficiency Contract, which incorporates a detailed Service Plan, will be developed. The Contract will stress urgent action toward economic independence. It will outline and define both DHHS' responsibility and the family's responsibility. The Contract will be used as a flexible tool. If the participant is not achieving progress in his/her Contract, it will be evaluated and changed accordingly.

WORK ACTIVITIES

Nebraska's approved work activities are:

1. Core activities:
 - a. Unsubsidized Employment;
 - b. Subsidized Private or Public Sector Employment;
 - c. Work Experience;
 - d. On-the-Job Training;
 - e. Job Search/Job Readiness;
 - f. Community Service;
 - g. Vocational Training;
 - h. Providing Child Care Services to an Individual Who is Participating in a Community Service Program; and
 - i. Post-Secondary Education.
2. Non-Core activities:
 - a. Job Skills Training Directly Related to Employment;
 - b. Education Directly Related to Employment; and
 - c. Satisfactory Attendance at Secondary School or in a Course of Study Leading to a Certificate of General Equivalence.

SUPPORTIVE SERVICES

Supportive services will be provided to the extent determined necessary to permit the individual to participate in any *Employment First* approved work activity, including the administrative process of orientation, assessment, self-sufficiency planning, and Self-Sufficiency Contract development, if no other source is available. Case management and necessary supportive services may be provided for the duration of the client's participation in all *Employment First* approved work activities and, if needed, after the loss of eligibility for ADC cash assistance due to earned income, and if the individual was either cooperating with or participating in *Employment First* at the time:

1. Extended *Employment First* supportive can be provided for up to three months for all approved work activities included in his/her Self-Sufficiency Contract; and
2. Transitional *Employment First* supportive services can be provided for up to six months if the supportive services are determined as necessary and critical for maintaining and/or retaining their employment.

The supportive services include, but are not limited to transportation, education/training related expenses, relocation assistance, work-related expenses, and medical-related services.

SANCTIONS

Non-cooperation with the program requirements will result in the following sanctions:

1. ADC cash assistance will be reduced by \$50 for each dependent child who fails to attend school if the student's parent has not taken reasonable steps to encourage the child to remain in school.
2. Non-cooperation with Child Support Enforcement will result in a 25 percent reduction in the ADC cash payment and the removal of the sanctioned individual's needs from the medical unit.
3. Non-cooperation with obtaining available cost-effective health insurance will result in the removal of the individual's needs from the medical unit.
4. Non-cooperation with obtaining third party medical payments will result in the removal of the individual's needs from the ADC and the medical unit.
5. Refusal to apply for potential income will result in the suspension or closure of the ADC case.
6. Failure of a needy caretaker relative, guardian, or conservator to participate in the *Employment First* program results in the removal of the individual's needs from the ADC unit. The sanction will last until the failure to participate ceases.
7. Failure of a dependent child age 16, 17, or 18 to attend school without participating in any other *Employment First* approved work activity results in removal of the child's needs from the ADC unit. The sanction will last until the failure to participate ceases.
8. If the parent(s) fails to participate in the *Employment First* program, the result is the loss of ADC cash assistance for the entire family. The length of this sanction is:
 - a. The first sanction will last one month or until the failure to cooperate ceases, whichever is longer.
 - b. The second sanction will last for three months or until the failure to cooperate ceases, whichever is longer.
 - c. The third and subsequent sanctions will last for 12 months or until the failure to cooperate ceases, whichever is longer.

DOMESTIC VIOLENCE

Nebraska has adopted the Family Violence Option under Subpart B of part 260 and wants Federal recognition of its good cause domestic violence waivers.

All *Employment First* case managers are trained on definitions, policy, introductory and screening questions, work requirement exemptions, process and flow, confidentiality and safety, understanding domestic violence and safety planning. All *Employment First* case managers are provided with a Domestic Violence Guide developed by DHHS, *Employment First* program, Voices for Children, and the Nebraska Domestic Violence Sexual Assault Coalition.

All work-eligible individuals are provided with a self-administered screening form which allows them to self-disclose domestic violence. The screening form is maintained in a safe and confidential file separate from the case file.

In order to qualify for an exemption from the work requirements and time limits, the individual must have an assessment for domestic violence by a domestic violence/sexual assault program representative or a medical professional. There must be verification of the domestic violence from appropriate professional sources. The case manager must refer the individual for counseling and appropriate services. Participation in approved work activities and the time limit may be waived for up to six months depending on the assessment. The exemption must be reassessed at least every six months or sooner and the exemption may be extended beyond six months, if necessary.

The *Employment First* case manager must develop an individualized service plan. The service plan outlines the steps necessary to overcome the individual's barriers to work and/or participation in other approved work activities. The service plan is based on a plan for treatment, therapy, counseling, or other activities recommended and/or determined necessary by a qualified professional in the appropriate discipline.

SOLELY STATE-FUNDED PROGRAM FOR TWO-PARENT FAMILIES

Nebraska has implemented a solely-state funded program for two-parent families receiving ADC cash assistance. To allow for more flexibility in serving these families, this program is not funded with federal TANF funds. Cash assistance provided to these families will be funded with state dollars only. The state general funds used for cash assistance for this program will not count toward Nebraska's TANF maintenance-of-effort requirement and therefore are not subject to any federal TANF requirements. This program was created effective October 1, 2006.

The State provides short-term targeted services and work activities to these families to assist them in achieving economic independence. The regulations of the federal TANF program do not count many of these services and activities towards the work participation requirements. These services and work activities are necessary because this population comprises a small fraction of all Nebraska families on assistance, and two-parent families typically are:

- On ADC cash assistance for much shorter periods of time;
- Employed much sooner; and
- No longer eligible for ADC cash assistance if one person works more than 35 hours per week at minimum wage.

SOLELY STATE-FUNDED PROGRAM FOR SPECIFIED EXEMPTIONS

Nebraska has implemented a solely-state funded program for families receiving ADC cash assistance where the adult or minor parent qualifies for one of the specified exemptions. To allow for more flexibility in serving these families, this program is not funded with federal TANF funds. Cash assistance provided to these families will be funded with state dollars only. The state general funds used for cash assistance for this program will not count toward Nebraska's TANF maintenance-of-effort requirement and therefore are not subject to any federal TANF requirements. This program was created effective October 1, 2006.

This solely state-funded program allows Nebraska to exempt from the work participation requirements and federal time limits those families where the adult or minor parent is incapacitated with a medically determinable physical, mental or emotional impairment or who has significant barriers to participation in approved work activities. Nebraska will provide the services necessary to help these individuals overcome and/or remove the barriers preventing them from effectively engaging in approved work activities and attaining the maximum level of economic independence possible for their families through work.

The following individuals are exempt from participating in *Employment First* and are exempt from the state and federal time limit for the length of time they qualify for the exemption:

1. A person who:
 - a. Has an illness or injury serious enough to temporarily prevent entry into employment or participating in another *Employment First* component activity for up to three months;
 - b. Is incapacitated with a medically determinable physical or mental impairment which, by itself or in conjunction with age, prevents the individual from engaging in employment or participating in another *Employment First* component activity and which is expected to exist for a continuous period of at least three months.
2. A person age 65 or older.
3. A parent who is needed in the home on a continuous basis to provide care for a disabled family member living in the home who does not attend school on a full-time basis and no other appropriate member of the household is available to provide the needed care.
4. A victim of domestic violence and where participation in *Employment First* approved work activities would make it more difficult for the individual to escape violence, or unfairly penalize the individual, or would put the individual at risk of further domestic violence.
5. A single custodial parent who is unable to participate because s/he cannot obtain child care for his/her child age five or younger for one or more of the following reasons:
 - a. Unavailability of appropriate child care within a reasonable distance from the client's home or work site;
 - b. Unavailability or unsuitability of informal child care by a relative or under other arrangements; or
 - c. Unavailability of appropriate and affordable formal child care arrangements.

Two-parent families are allowed the same exemptions as are single-parent families, but will remain in the solely state-funded program for two-parent families. If both parents in a two-parent family qualify for an exemption, the family will be exempt from the state time limit for the length of time both parents qualify for an exemption.

SEPARATE STATE PROGRAM FOR SPECIFIED EXEMPTIONS

Nebraska has implemented a separate state program for single-parent families receiving ADC cash assistance where the adult or minor parent qualifies for one of the specified exemptions. ADC cash assistance provided to these families will be funded with state dollars only. The state general funds used to support this separate state program will apply towards Nebraska's Maintenance-of-Effort requirement. This program was created effective October 1, 2006.

The following individuals are exempt from participating in *Employment First* and are exempt from the state and federal time limit for the length of time they qualify for the exemption:

1. A pregnant woman beginning the first of the month before the month of the mother's due date.
2. A parent or needy caretaker relative, guardian or conservator of a child under the age of 12 weeks. This exemption can be extended if a written statement from the attending physician states that the parent requires additional post partum recovery time, or special medical conditions of the child require the presence of at least one parent or needy caretaker relative, guardian, or conservator.

Nebraska will continue to report on all TANF families and separate state funded families in the quarterly TANF data report (ACF-199) as required.

SEPARATE STATE PROGRAM FOR POST-SECONDARY EDUCATION

Nebraska has implemented a separate state program for single-parent families where the adult or minor parent is participating in an approved post-secondary education component activity. ADC cash assistance provided to these families will be funded with state dollars only. The state general funds used to support this separate state program will apply towards Nebraska's Maintenance-of-Effort requirement. This separate state program took effect November 1, 2004.

Nebraska's Section 1115 waivers allowed the State to count post-secondary education as an approved work activity. With the loss of the Section 1115 waivers, Nebraska's post-secondary education component activity became inconsistent with approved federal work activities. Post-secondary education is specified as an allowable activity under the Nebraska Welfare Reform Act. By creating this separate state program Nebraska will be able to continue post-secondary education as an allowable work activity.

Nebraska will continue to report on all TANF families and separate state funded families in the quarterly TANF data report (ACF-199) as required.

SAFETY AND IN-HOME SERVICES

Effective July 1, 2008, DHHS will use TANF funds to provide an array of Safety and In-Home Services to families whose children have been determined to be unsafe in the family home or to the community based on the safety assessment conducted by DHHS, Division of Children and Family Services (CFS) staff.

The services provided meet the first statutory purpose of TANF (as specified at §260.20(c) and (d) of this chapter): To provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.

The eligibility criteria will be needs based as indicated by the family's program eligibility status for Aid to Dependent Children (ADC), Supplemental Nutrition Assistance Program (SNAP), SSI or Medicaid. Medicaid eligibility will be based on parent income and not state ward status of an identified child.

The target population is identified as: the child or children (ages 0 through 18) who are involved in a proceeding in the juvenile court system and placed in the custody of DHHS (court involved) for reasons of abuse, neglect, status offense, and/or delinquency; all whole, half, or step siblings of these children who reside in the same household or are in placement under the care and supervision of CFS; the parents, stepparents, adoptive parents, or caretakers, such as relatives or significant others of the parent of the above children; children and families CFS is assessing for child maltreatment reports; and families in which a child is determined to be unsafe but the family agrees to participate in safety and change services without court involvement (non-court involved).

1. In-Home Safety Services: In-Home Services involve direct supervision of the children at all times when the parent or caregiver who is or may be responsible for the safety concern is present. In-Home Safety Services are provided in the family's place of residence and are utilized when there is a need for a response to control or manage a child or community safety concern and promote stability in the family home.
2. Home Supported Safety Services (23.59): This time limited service, provided in a licensed facility or facilities, provides for care for a child for a portion of the day (up to 23 hours and 59 minutes per day) and supports to the child or family when there is an identified child or community safety concern that requires additional support during a period of time during the day. The facility must be licensed as a child caring agency, group home or licensed child care agency.
3. Residential Safety Services: This time limited service, provided in a licensed facility or facilities, provides care for a child and supports to the child or family when a child cannot be safely maintained in their own home with an in-home safety plan and the non-custodial parent (if one exists) or any other adult caregiver known to the child cannot or is unable to care for the child and assure the child's safety issues. The facility must be licensed as a child caring agency, group home or licensed child care agency.
4. Family Engagement Services: This service includes the development of a written family genogram and ecomap with the involvement of family members on a form

provided by DHHS. The genogram must identify both set of parents (if known) and extended relatives for three generations, whenever possible.

5. **Intensive Family Preservation Services (IFP):** Intensive Family Preservation services are designed to improve family functioning through skill acquisition in the areas of parenting, communication, behavior management, life skills, and community engagement for supportive services to meet the family's needs. IFP services have been shown to be an effective, cost efficient intervention method to provide services to families in their family home and community when children are at imminent risk of being placed out of the home and the child's safety or safety of the community can be maintained with the child remaining in the home. IFP builds on the strengths identified in the family and assists with the necessary skill acquisition by family members to ensure safety, permanency, and well-being of children in the family home and community.
6. **Family Support Services:** Family Support Services provide skill development/acquisition to a child's parents or caretakers or to youth who are adjudicated as delinquents or status offenders. Family Support Services for parents or caretakers emphasize areas such as parent participation in child-directed interactions, use of positive social praise, and introduction of parent-directed activities including daily living activities of parenting such as bedtime rituals, toilet training, curfew, consequence, chores, etc., use of appropriate coping skills to manage the parents'/caretakers' behavior, appropriate discipline and specific interventions under the direction of the CFS case manager via the safety plan and/or the case plan.
7. **Visitation/Supervision:** Visitation/Supervision services provide for supervision of the interaction between a child(ren) and his/her parent(s) as part of a Safety Plan and/or court order. This service is provided for visits when a child has been placed outside of the home or for supervision of the parent and child interaction when a child has not been removed from the home but safety must be controlled and managed. Supervision may occur in the family's home, the child's school, the out-of-home placement if the child is placed out-of-home, or other appropriate location as directed by the child or youths worker.
8. **Electronic Monitoring/Global Positioning System (EM/GPS):** This is a time limited service provided to youth whose behaviors put themselves or community safety at risk. The service allows the agency to locate youth whom the family/caregivers cannot or may not be able to locate due to a history of run away behaviors from their family/placement. EM/GPS should be utilized for short periods of time to ensure stability with the youth in order to provide rehabilitative services to them.
9. **Tracker services:** Tracker services provide an adult individual (Tracker) who provides follow-up on a youth's daily activities outside of the family home to ensure compliance with the rules of behavior outlined by their parent/caregiver or by their Conditions of Liberty or case plan. Tracker Services are available for youth adjudicated as delinquents/status offenders.
10. **Drug Screening and Testing (DST):** Drug screening and testing are conducted on youth who are adjudicated as delinquent and their offense is related to substance abuse usage. This service will replaced Urine Analysis services conducted by third parties for youth identified by CFS. Drug screening and testing will be provided at a testing site

or sites identified by the Bidder. Youth will be identified to participate on a random, irregular and rotating basis determined by the Bidder. The Bidder will propose policies and verification of testing results. Verification of testing results will be conducted by the Bidder at the request of CFS. All verification must be conducted by a provider approved and/or credentialed by the Division of Medicaid and Public Health. If a youth is participating in a substance abuse service then DST should be provided as part of the treatment plan and is funded by the Division of Medicaid.

11. **Respite Services:** Respite services provide a short term intervention providing temporary relief from highly emotional situations to allow time for the child and/or family to calm down. Respite services can be provided in family home or outside of the family home based on the specific needs of the family. The family will re-engage following the respite period to address the identified needs and to ensure safety and stability to the child and/or community. Respite is normally provided through the informal support network of each family. In situations where the informal support network does not exist, formal respite may be utilized as follows:
 - **Crisis Respite Services:** respite for periods lasting no longer than 72 hours in crisis situations. Respite services include work with the family to develop an informal support network that can be accessed by the family once CFS is no longer involved with the family to assure the optimal opportunity for sustainability once CFS is no longer involved with the family.
 - **Planned Respite Services:** respite for periods lasting no longer than 16 hours or less at one time as part of a plan to support resolution of moderate emotional situations. Planned Respite Services can not be utilized more than 12 times per year. Respite services include work with the family to develop an informal support network that can be accessed by the family once CFS is no longer involved with the family to assure the optimal opportunity for sustainability once CFS is no longer involved with the family.
 - Families who require a higher utilization of respite services or who experience multiple crises requiring Crisis Respite Services should be assessed for a more appropriate intensity of intervention services.

NEBRASKA'S MAINTENANCE-OF-EFFORT QUALIFYING EXPENDITURES

To receive full federal TANF funding, Nebraska must have qualifying state expenditures to meet at least 75% of the 1995 level of expenditures. Effective October 1, 2007, Nebraska's TANF Maintenance-of-Effort (MOE) requirement is \$28,375,365 at the 75% level and \$30,267,056 at the 80% level.

The following are the qualifying state expenditures for Nebraska's TANF Maintenance-of-Effort requirement beginning FFY 2006, with the exception of Nebraska's Earned Income Tax Credit which began qualifying as a TANF Maintenance-of-Effort expenditure for FFY 2007:

1. *Cash Assistance:*

Nebraska's Aid to Dependent Children (ADC) program provides cash assistance to low-income families with minor children to help to meet their basic needs. This program is funded with both TANF federal funds and state general funds. Eligibility is

based on the same criteria for TANF cash assistance as found on pages 4 - 6, ELIGIBILITY FOR TANF.

2. *Emergency Assistance to Needy Families with Children (EA):*

Nebraska's Emergency Assistance program provides financial assistance and/or services to or on behalf of a needy child(ren) and any other members of the household to meet needs that have been caused by an emergency situation when the needs cannot be met because of destitution. The program provides a means to deal with financial situations that are threatening the health or well being of an eligible child and family. Emergency Assistance benefits must be used to help return the family to a stable environment that they will be able to maintain. The Emergency Assistance program is funded with state general funds only.

Emergency Assistance may be provided to a needy child and any other member of the household in which the child is living only if:

- a. The child is age 18 or younger (a pregnant woman with no other children may be eligible);
- b. The child is currently living with one or both parents, or is temporarily absent from their home and within six months before the month in which assistance is required, was living with a specified relative* or a legally appointed guardian or conservator** in a place of residence maintained as their own home;
- c. Members of the household must be legally residing in the United States;
- d. The household meets relevant income eligibility requirements. The family's gross monthly income must not exceed 185 percent of Nebraska's ADC Standard of Need for the family size; and
- e. The destitution or need did not arise because the child (if age 16 or older and not in school) or the relative responsible for support and care refused without good cause to accept employment or training for employment or quit a job without good cause. However, if the child or family member refused without good cause to accept employment or training for employment or quit a job without good cause, but the emergency was not caused by this action, the family is still eligible for EA.

* A specified relative is defined as a relative with whom a child must be living or have been living within six months prior to the month in which EA is requested. A specified relative includes a child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, second cousin, nephew or niece are specified relatives. These relatives may be half blood relation, related by adoption, or from a preceding generation as denoted by prefixes of grand, great, great-great, or great-great-great. A child may also live with the spouse of any persons previously named even after the marriage has been terminated by death or divorce.

** Under Nebraska law, a guardian has the same powers, rights and duties that a parent has respecting his or her minor child and a conservator has all powers which he or she could exercise if not under a disability (Nebraska Revised Statutes §§30-2628 and 30-2637).

3. *Employment Assistance:*

Nebraska's *Employment First* program provides education, training, employment preparation activities, and supportive services along with other activities and services to recipients of ADC cash assistance. The *Employment First* program is designed to move families, who are receiving ADC cash assistance, quickly into employment so that they may become economically independent. In order to promote job advancement and job retention, supportive services may be provided after the loss of eligibility for ADC cash assistance due to earned income:

a. Extended supportive services:

Supportive services determined necessary to participate in all approved *Employment First* activities included in a participant's Self-Sufficiency Contract may be provided for up to three months, if needed, after the loss of eligibility for ADC cash assistance due to earned income.

b. Transitional supportive services:

Supportive services determined necessary and critical for job retention may be provided for up to six months, if needed, after the loss of eligibility for ADC cash assistance due to earned income.

4. *Administrative Expenses:*

Nebraska expends funds to administer Nebraska's assistance programs. These administrative costs support staff and necessary overhead. These qualifying state expenditures are developed through our Cost Allocation Plan.

5. *Information Systems Expenses:*

Nebraska expends funds to provide information systems to provide needed information to staff regarding eligibility, client activities, cash payments and services for families receiving assistance. These qualifying state expenditures are developed through our Cost Allocation Plan.

6. *Child Care Assistance:*

Nebraska's Child Care Assistance program subsidizes child care costs for eligible families. Child care assistance is available at no cost to families receiving ADC cash assistance or whose gross earned and unearned income is at or below 100 percent of the Federal Poverty Level. Families whose incomes are above the current income standard for the full child care subsidy may be eligible for a partial child care subsidy if their gross earned and unearned income is at or below 120 percent of the Federal Poverty Level. Eligible families cannot be required to pay more than 20 percent of their gross income towards the cost of child care. Families must also show a need for receiving a child care subsidy, such as, but not limited to, job search, employment, education, training, incapacitated parent, and need to obtain medical care.

7. *Tribal TANF Programs:*

Nebraska provides a fair and equitable share of state Maintenance-of-Effort funds to Nebraska Tribes in support of their federally approved Tribal TANF programs. DHHS specifies that the state Maintenance-of-Effort funds provided to the Tribes be used for Tribal cash payments to eligible families. Eligibility is defined in their Tribal Family Assistance Plan (TFAP). DHHS requires the reporting of the use of these funds and the number of families served with these funds.

8. *Nebraska Earned Income Tax Credit (EITC):*

Most states levy state income taxes, but the tax burden on low-income families varies significantly depending on where they live. A growing number of states offset this burden with state earned income tax credits and/or state child and dependent care tax credits. These credits are typically based on provisions in the federal income tax code, but states make all decisions regarding eligibility and benefit levels.

To be eligible to claim the Nebraska EITC the individual must:

- Be a resident of the State of Nebraska, and
 - Be eligible for and claim the federal EITC on their federal tax return.
- For the 2009 tax year, this state-level EITC provides an additional 10% above and beyond what s/he may claim for their federal EITC for those who are eligible. This tax credit is now refundable, which means it will first be used to lower or eliminate any state income tax s/he might owe and if the credit is larger than what s/he owes in state tax the amount will be refunded.

Income eligibility criteria

Income eligibility rules same as federal EITC	Yes (2009)
Income limit for 1-parent family with 2 qualifying children	\$40,295/year (2009)

Benefit level

Refundable credit available	Yes (2009)
Percent of federal EITC	10% (2009)
Max benefit for family with 2 qualifying children	\$503/year (2009)

9. *Nebraska Child and Dependent Care Tax Credit:*

The Child and Dependent Care Tax Credit is a tax benefit that helps families pay for the child care they need in order to work or look for work. The credit is also available to families that must pay for the care of a spouse or an adult dependent who is incapable of caring for himself or herself. Nebraska is counting only the refundable

portion of the Nebraska Child and Dependent Care Tax Credit as a qualifying state expenditure for Nebraska's TANF Maintenance-of-Effort requirement.

Income eligibility criteria

Income eligibility rules same as for federal credit	Yes (2008)
Income limit for family with 2 or more qualifying children	No limit (2008)

Eligible expenses

Child care expenses eligible by same rules as federal credit	Yes (2008)
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Benefit level

Refundable credit available	Yes (2008)
Benefit structure	Credit of 25-100% of federal credit, depending on income (2008)
Max benefit for family with 2 qualifying children	\$2,100/year (2008)

10. *Respite Service for Children:*

DHHS, Office of Home and Community-Based Services offers respite service to caregivers who need a temporary break from care giving so they can come back refreshed and ready to provide good care again. Respite service pays someone to come into the home, take care of a child with disabilities or special needs, and give the primary caregiver a temporary break. This would include adult children caring for siblings with disabilities or special needs and parents of children with disabilities or special needs.

This program pays for respite services (someone to come into the home to care for a child with a disability or special needs to give the primary caregiver a temporary break). It is for people who are not receiving the service from another government program.

Caregivers who need a temporary break from providing care to persons of any age with special needs. Examples of special needs are developmental and physical limitations, emotional or behavioral disorders, chronic illness, Alzheimer's disease and related health concerns, or persons at risk of abuse and neglect.

Eligibility is based on income guidelines. However, if you have expenses directly related to the disability, these can usually be subtracted from the counted income. The

person applying must have a caregiver. The program will provide up to \$125 per client each month

Lifespan Respite Subsidy Program - Income Guidelines

The Lifespan Respite Subsidy Program serves clients whose monthly, adjusted gross income is at or below 310% of the Federal Poverty Guidelines. If eligible, the program will provide a payment for respite services up to \$125 per client per month. Benefits may be saved for use up to three months.

COMPENDIUM OF PERFORMANCE MEASUREMENT ACTIVITIES

1. All outcome (goal, result) statements currently developed.

Employment First Vision:

People receiving temporary welfare assistance will overcome poverty by achieving an optimal level of sustained employment; successful employment will be supported by an integrated, multifaceted service delivery system that is family focused, easily accessed, highly responsive, and tailored to individual need and circumstance.

Employment First Philosophical Underpinnings:

- *Employment First* benefits and services should be temporary for most clients and designed to assist clients to transition to employment.
- *Employment First* policies, procedures and processes should support the values of work, family, opportunity and personal responsibility.
- *Employment First* services should be family centered, recognizing that the client is the decision-maker within program parameters.
- The strengths of clients and communities should serve as the foundation of *Employment First* self-sufficiency plans. Empowerment of clients should be the goal.
- *Employment First* should be based on a partnership among Health and Human Services staff, clients and the community.
- Personnel of all levels should have an understanding of and commitment to the collaborative process.
- *Employment First* services should enhance the dignity of clients and reinforce the personal responsibility of clients.

Employment First Philosophy:

Inherent within the philosophical beliefs of the *Employment First* program are the core values that most individuals are capable of being economically independent and have a personal responsibility to support their children; that work provides financial and emotional rewards; that public assistance is a temporary measure; and that DHHS along with the families will work in partnership to meet the families goal of achieving their highest level of economic independence.

Employment First Goal:

The primary purpose of *Employment First* is to provide temporary, transitional support for Nebraska families so that economic self-sufficiency is attained in as expeditious a manner as possible through the provision of training, education, and employment preparation. Nebraska is dedicated to improving the standard of living and quality of life for each family living in the State that has had to turn to public assistance to help support their family in times of need. We will accomplish this by promoting personal responsibility and empowering parents to support their families.

Employment First Objective:

To provide the programs and services necessary to help clients get higher paying jobs with benefits; increase their opportunities; develop their job advancement capabilities; improve the quality of life for their families; reduce family stress; to be more successful at parenting and building healthy families; integrate with their communities; increase the rate of school completion for their children; preventing teen pregnancy and increasing the time before second births; and end long term welfare dependency and multigenerational dependency.

2. All performance measures/performance indicators that have been developed to measure each outcome/goal/result.
 - a. Federal data reports (i.e. caseload reduction, participation rate, entered employment rate, job retention rate, reasons for case closure, earnings gain, teen birth rate, etc.). The only federal standard established is for the work participation rate.
 - b. Federal High Performance Bonus measurements (achievement and improvement in the Job Entry Rate, Success in the Workforce Rate - a combination of the job retention rate and earnings gain rate, Family Formation and Stability, Medicaid/SCHIP Enrollment, Food Stamps, and Child Care Subsidies). No federal standard established.
 - c. Federal Maintenance-of-Effort expenditure report.
 - d. Federal TANF expenditure report.
3. All performance measures/performance indicators that have been developed even in the absence of outcomes/goals/results.
 - a. Contractor's reports on various performance standards achievements.
 - b. Nebraska Adolescent Pregnancy Network's Goals and Objectives report.
 - c. Welfare in Nebraska report.
 - d. Institute for Social and Economic Development 1997 evaluation of the Employment First program (two reports).
 - e. American Institute for Full Employment 2000 evaluation of the Employment First program.
 - f. Mathematica Policy Research, Inc. 1999 report on implementing welfare reform in Nebraska.
 - g. Mathematica Policy Research, Inc. 2001 evaluation of the Employment First

program (two phases).

- h. Mathematica Policy Research, Inc. 2002 evaluation on the Employment First program's preparation of clients for work and addressing their obstacles.
- i. Mathematica Policy Research, Inc. 2002 evaluation of employment experiences and challenges among urban and rural welfare clients in Nebraska, opportunities for improving the Employment First program.
- j. Mathematica Policy Research, Inc. evaluation of Employment First rural welfare-to-work strategies, 2002-2007.
- k. Welfare Peer Technical Assistance Network.
- l. TANF Annual Report to Congress.
- m. Multitudes of reports and surveys using Nebraska data conducted by major research groups on many facets of the welfare reform law, it's implementation and affects on families and children.
- n. Custom reports on recidivism, welfare recycling, long term receipt, cost per client, demographics of cases, contract costs and performance, educational attainment, caseload trends, budget expenditures, types of expenditures, etc.

CERTIFICATIONS AND ASSURANCES

- Nebraska will operate a statewide program which provides temporary financial assistance for needy families with minor children and a mandatory work program known as the *Employment First* Program.
- Nebraska will operate a Child Support Enforcement Program as outlined under the State Plan approved under Part D.
- Nebraska will operate a Foster Care and Adoption Assistance program under the State Plan approved under part E and the State will take such actions as are necessary to ensure that children receiving assistance under such part are eligible for medical assistance under the State Plan under Title XIX.
- Nebraska will operate these programs under the administrative direction of DHHS.
- Nebraskans were provided the opportunity to review and inspect this TANF State Plan and submit comments during a 45-day public comment period prior to the submission of this TANF State Plan. Comments were accepted by written or electronic mailings during the time period of September 1, 2010 through October 15, 2010.
- Nebraska will serve all political subdivisions in the State fairly and equitably.
- Nebraska is committed to the continued recognition of the sovereignty of the Indian Nations and we will provide each member of an Indian Tribe, who is domiciled within Nebraska and is not eligible for assistance under a Tribal Family Assistance Plan approved under section 412, with equitable access to assistance under this Plan.
- Nebraska has established and is enforcing standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the State program, kickbacks and the use of political patronage.
- Nebraska will continue to offer services, where appropriate, to those who are victims of domestic violence and has taken every step possible to ensure that the programs administered by the State do not place individuals at further risk of such violent behavior, sexual abuse or extreme cruelty. Nebraska will:

- Screen and identify individuals receiving ADC cash assistance under this part for domestic violence, sexual abuse or being subject to extreme cruelty while maintaining the confidentiality of those individuals;
- Refer such individuals to counseling and appropriate services;
- Waive the work program requirements and time limits (for up to six month or longer, if necessary), child support cooperation requirements in cases where compliance with such requirements would make it more difficult for individuals receiving ADC cash assistance under this part to escape domestic violence, be unfairly penalized, or put at greater risk of further domestic violence.

Nebraska assures that the following provisions of law will apply to programs and activities funded under this program:

The Age Discrimination Act of 1975
 Section 504 of the Rehabilitation Act of 1973
 The Americans with Disabilities Act of 1990
 Title VI of the Civil Rights Act of 1964

Nebraska shall make available to the public a copy of this TANF State Plan. The TANF State Plan will be posted on the DHHS web site. Those who do not have internet access can receive an electronic copy or a hardcopy of the TANF State Plan by calling toll free or writing the Nebraska Department of Health and Human Services, Division of Children and Family Services, Economic Assistance Section.

Date

Todd L. Reckling
 Director
 Division of Children and Family Services
 Department of Health and Human Services
 Designated Lead Agency